

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

- v. -

AFFIDAVIT

10-cr-391 (CM)

JOSEPH McLEAN

Defendant.

-----X
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JOSEPH McLEAN, being duly sworn, hereby deposes and states, under penalty of perjury, that:

1. I am the defendant in the above-captioned matter.
2. On or around January 8, 2010 I was sitting in the front passenger side of a car in Newburgh, New York.
3. The car's window was open and the driver of the car was sitting in the vehicle's driver's seat. The car was not obstructing traffic and it was not violating any traffic laws.
4. While sitting in the car, I did not have any bags of crack cocaine in my hands or on my lap. No drugs were openly visible in the car.
5. As we were in the car, a police van drove up to our vehicle. Officers exited the van and approached both sides of the car. The officer who approached my side of the car ordered me to get out of the car. The officer who approached the driver's side of the car similarly ordered the driver to get out of the car. Both the driver and I exited the car. The officers then told us to put our hands on the vehicle. We both complied with the officer's orders.


6. An officer proceeded to search my body, putting his hands into all the pockets of my clothing. Another officer also searched the driver of the car.

7. As we were being searched, a number of other officers who had been in the van began to search the car. I did not consent to the search of the car, and neither did the driver.

8. After searching me and the car, the police officers placed me under arrest and I was taken to a precinct. There they told me they were going to conduct a body cavity search. Any items I may have produced after being told this, I provided to the police in reliance on their statements that my body cavities were about to be searched.


JOSEPH McLEAN

Sworn to before me
this 28th day of January, 2011


NOTARY PUBLIC
MEGAN WOLFE BENETT
NEW YORK NOTARY REGISTRATION
NO. 02BEG223361
EXPIRES 06/14/2014